

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DEREK NEWELL,)	
)	
Plaintiff,)	No.
)	
vs.)	DESIGNATED SEAMAN SUIT
)	
CAMPBELL TRANSPORTATION)	ELECTRONICALLY FILED
COMPANY, INC.,)	
)	
Defendant.)	

COMPLAINT

1. Derek Newell is an adult individual residing at 1169 Trace Fork Road, Letart, West Virginia, 25253.

2. Campbell Transportation Company, Inc., is a corporation having a principal place of business at Foxpointe Centre 201 South Johnson Road, Suite 303, Houston, Pennsylvania, 15342.

3. Plaintiff brings this action under the Act of June 5, 1920, 41 Stat.1007, 46 U.S.C. §688 (Jones Act), and under the General Maritime Law for unseaworthiness and for maintenance and cure.

COUNT I

4. At all times pertinent hereto, plaintiff was a deckhand and a member of the crew of the M/V Carrie Mays, which was owned and operated by the defendant and he was acting in the course of and within the scope of his employment for the defendant.

5. On June 1, 2013, the M/V Carrie Mays was operating in the vicinity of mile 28 on the Ohio River, a navigable waterway of the United States. On said date, plaintiff was standing in the doorway of the pilot house of the M/V Carrie Mays when suddenly the door of the pilot

house was caused to be slammed shut, catching the third and fourth fingers of plaintiff's left hand and severing the tips of said fingers.

6. The aforesaid accident was the direct result of defendant's failure to provide plaintiff with a reasonably safe place to work, and in otherwise failing to exercise due and reasonable care for the safety and protection of the plaintiff.

7. As a result of the aforesaid negligence and the injuries to the third and fourth fingers of his left hand, plaintiff required extensive medical treatment and suffered a loss of work and wages. He suffered permanent loss of the fingertips of the aforesaid fingers and has undergone great pain, suffering and inconvenience.

COUNT II

8. Paragraph 5 and 6 of Count I are included herein by reference as though set forth in full.

9. The aforesaid accident was the direct result of defendant's failure to supply safe and seaworthy working conditions, including but not limited to its failure to equip the towboat with the proper mechanism to avoid unintended closure of the pilot house door.

10. As a result of the said unseaworthiness of the M/V Carrie Mays, the plaintiff suffered those injuries and losses complained of in paragraph 7 of Count I which are included herein by reference as though set forth in full.

COUNT III

11. As a result of the accident which occurred while plaintiff was a member of the crew on duty aboard the aforesaid M/V Carrie Mays, plaintiff required hospitalization and medical care and has lost time from work while recovering from the injuries sustained in this accident. In connection therewith, plaintiff claims that he has been entitled to maintenance and

cure from the defendant. Plaintiff believes that all of his medical and hospital expenses have in fact been paid by the defendant and/or its representatives. Plaintiff has also been paid maintenance for the entire period that he has lost work. This portion of the claim is included in the Complaint for the sole purpose of securing payment of any items due on maintenance and cure which may not have been paid completely by the time this litigation is concluded.

WHEREFORE, on the basis of the foregoing, plaintiff Derek Newell claims that defendant Campbell Transportation Company, Inc., is indebted to him for all personal injuries suffered, of pain suffering and inconvenience, for all losses and expenses of any kind suffered by him, and for maintenance and cure and that plaintiff is entitled to judgment, therefore, together with the cost of this suit.

/s/ David M. McQuiston, Esquire
David M. McQuiston, Esquire
Pa. I.D. No. 32675

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